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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/669,959	09/26/2000	Scott C. Harris	TV-Browsing/SCH	5133

23844 7590 11/29/2006

SCOTT C HARRIS  
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EXAMINER
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BUI, KIEU OANH T

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 11/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/669,959	<b>Applicant(s)</b> HARRIS, SCOTT C.	
	<b>Examiner</b> KIEU-OANH BUI	<b>Art Unit</b> 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2006.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 2-4,6-13 and 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-4,6-13,21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Appeal Brief Arguments & Examiner's Remarks*

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.
2. Claims 1, 5, and claims 14-16 were canceled in the amendment dated 10/10/05. Please note claims 11-13 were belong to Group II and being treated as non-elected claims (refer to first election/restriction paper back in 8/26/04). Pending claims are only claims 2-4, 6-10, and 21 for reconsideration. Please note that claims 17-20 are also withdrawn from further consideration by the examiner due to election/restriction requirements.
3. Applicant's arguments with respect to claims 2-4, 6-10, and 21 have been considered but are moot in view of the new ground(s) of a revised rejection with supportive arguments.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 2623

5. Claims 2-4, 6, 8, 10, and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Humpleman et al. (U.S. Patent 6,243,707 B1).

Regarding claims 2 and 21, Humpleman discloses "a system, comprising: a television remote which has first buttons controlling at least a plurality of functions on a controlled television which is separate from said television remote, said television remote mounted in a housing, which housing is totally separate from the television being controlled by the remote, and said television remote also having a command which accesses information from a hyperlink that is associated with a program that is being currently displayed on the television, wherein said remote communicates with a separate computer, to display said information from said hyperlink on a display of the separate computer, and where said display of said separate computer is totally separate from the display of the television", i.e., a user can use a remote control for different functions, as the user chooses to access the Internet or HTML document using the hyperlink or viewing the TV program and/or recording a DBS programs (refer to col. 1/lines 22-54 for home devices including TVs, PCs and other electronics devices and a single control interface for controlling a plurality of home devices are suggested; and col. 7/lines 38-48 for each home device can be equipped with a screen for display and/or using GUI on its screen), and the use the remote controller for controlling functions on both the separate television set and/or on a display of a separate PC (refer to col. 14/lines 20-62 for an example for different home devices with screens are used for displaying different programs or services; and again col. 18/lines 61-67 for displaying HTML pages or the hyperlink pages on each home devices; and col. 23/lines 50-65 for using a single remote control for controlling different home devices including a TV and a PC).

As for claim 3, in further view of claim 2, Humpleman discloses “wherein said television remote transmits a command that causes said information to be displayed at a next startup of a process on said separate computer”, i.e., as the user sends a command by selecting or accessing the URL, the information is retrieving and displaying to the user (col. 13/line 7 to col. 14/line 18 for hyperlink connection so the user can access the manufacturer and other related pages).

As for claim 4, in further view of claim 2, Humpleman further shows “wherein said information is added to a list of internet favorites on said separate computer” (col. 13/lines 20-44 for a list of link page).

(Claim 5 was canceled).

As for claim 6, in view of claim 2, Humpleman discloses “wherein said requested information displays said information from said hyperlink on a personal computer”, i.e., the remote controller communicates with the hyperlink pages and displaying on a separate computer (col. 7/lines 37-48 & col. 18/lines 61-67).

As for claim 8, in view of claim 2, Humpleman shows “wherein said hyperlink includes an indication of a referring source” (col. 12/line 60 to col. 13/line 6).

As for claim 10, in view of claim 2, Humpleman inherently discloses “wherein said remote includes a separate receiver which receives hyperlinks that are associated with a program that is currently being displayed on the television” (refer to col. 1/lines 22-54 for home devices including TVs, PCs and other electronics devices regarding as separate receiver and a single control interface for controlling a plurality of separate receivers are suggested; and col. 7/lines 38-48 for each home device or separate receiver can be equipped with a screen for display and/or using GUI on its screen).

***Claim Rejections - 35 USC 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

7. Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman et al. (U.S. Patent 6,243,707 B1) in view of Kamada (U.S. Patent 6,622,306 B1).

Regarding claim 7, Humpleman does not further teach this feature of including the e-mail service; however, Kamada discloses “wherein said command that accesses information causes an email to be sent to said user” (Fig. 4/item 3 for e-mail service delivered to the user, and col. 8/lines 32-44). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Humpleman’s system with Kamada’s technique of further including e-mail service in order to provide the user any updated information. The motivation for doing this is to inform the user of any updated information and keep the communication between the user and the broadcast server well informed.

As for claim 9, Kamada further suggests “wherein said command that accesses information comprises making a purchase of an item that is displayed on the television”, i.e., a guide such as for homepage of a hotel or searching for hotels referring to selecting or searching on booking or purchasing hotels for travel (col. 7/line 52 to col. 8/line 11).

***Conclusion***

**8. Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to PTO New Central Fax number:**

571) 273-8300, (for Technology Center 2600 only)

Hand deliveries must be made to Customer Service Window,

Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (571) 272-7291. The examiner can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller, can be reached at (571) 272-7353.

The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Division or Art Unit 2623.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Kieu-Oanh Bui', with a long horizontal line extending to the right.

Kieu-Oanh Bui  
Primary Examiner  
Art Unit 2623

KB  
Nov.21, 2006